

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL J. PALLADINO, as President of the NEW  
YORK CITY DETECTIVES' ENDOWMENT  
ASSOCIATION, INC., NEW YORK CITY  
DETECTIVES' ENDOWMENT ASSOCIATION,  
INC., EDWARD D. MULLINS, as President  
of the SERGEANTS BENEVOLENT  
ASSOCIATION of the CITY OF NEW YORK,  
INC., SERGEANTS BENEVOLENT ASSOCIATION  
OF THE CITY OF NEW YORK, INC., THOMAS  
DROGAN, as President of the LIEUTENANTS  
BENEVOLENT ASSOCIATION of the POLICE  
DEPARTMENT of the CITY OF NEW YORK,  
LIEUTENANTS BENEVOLENT ASSOCIATION  
of the POLICE DEPARTMENT of the CITY OF  
NEW YORK, JOHN DOE, JANE ROE and all  
POLICE OFFICERS named herein and others  
similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK, the NEW YORK CITY  
POLICE DEPARTMENT, and RAYMOND W. KELLY,  
as COMMISSIONER of the NEW YORK CITY POLICE  
DEPARTMENT,

Defendants.  
-----X

07 CIV 9246

(GBD)

(MHD)

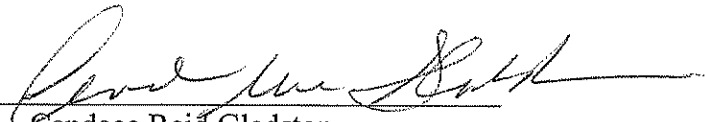
**NOTICE OF  
CROSS-MOTION**

PLEASE TAKE NOTICE, that upon the Declaration of Candace Reid Gladston, dated November 29, 2007, the affidavit of Michael J. Palladino, President of the New York City Detectives' Endowment Association, Inc., sworn to on November 28, 2007, the affidavit of Michael J. Palladino, sworn to on October 9, 2007, the affidavit of Daniel Rivera, sworn to on October 9, 2007, and the accompanying memorandum of law, and upon all the prior pleadings

and proceedings heretofore had herein, plaintiffs shall cross-move this Court at the Courthouse located at 500 Pearl Street, New York, New York, on the 11th day of January, 2008, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiffs summary judgment and enjoining the Defendants from further implementation and/or application of a certain Interim Order, Issued 9-30-07, Reference P.G. 212 Series, No. 52, with the subject "Alcohol Testing for Uniformed Members of the Service Involved in Firearms Discharges Resulting in Injury to or Death of a Person"; and granting such other and further relief as the Court may deem just and proper.

Dated: East Meadow, New York  
December 4, 2007

**CERTILMAN BALIN ADLER & HYMAN, LLP**

By:   
Candace Reid Gladston  
Attorneys for Plaintiffs  
90 Merrick Avenue  
East Meadow, New York 11554  
(516) 296-7000  
cgladston@certilmanbalin.com

TO: Michael A. Cardozo, Esq.  
Corporation Counsel of the City of New York  
Attorneys for Defendants  
100 Church Street, Room 2-187  
New York, New York 10007  
Attn: Alan M. Schlesinger, Esq.  
(212) 788-0303

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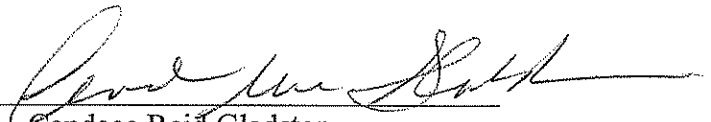
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